

FILED

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

2019 JUL 22 PM 3:42  
CATHY S. GATSON, CLERK  
KANAWHA COUNTY CIRCUIT COURT

VIRGINIA DRILLING COMPANY, L.L.C.,

Plaintiff,

v.

Civil Action No. 17-C-1130  
Honorable Judge Joanna Tabit

JUSTICE LOW SEAM MINING, INC.,

Defendant.

**AGREED DISMISSAL ORDER**

In accordance with the provisions of Rule 41 of the West Virginia Rules of Civil Procedure, Plaintiff, Virginia Drilling Company, L.L.C., by counsel, Josef A. Horter and the law firm of Bailey & Wyant, P.L.L.C., and Defendant, Southern Coal Corporation, by counsel, John F. Hussell, IV, Andrew L. Ellis, John D. (Jody) Wooton, Jr., and the law firm of Wooton, Davis, Hussell & Ellis, P.L.L.C., hereby announce to the Court that all claims by the Plaintiff against the Defendant, have been fully settled, compromised, and adjusted. The parties further agree and stipulate that all motions to compel and/or for sanctions have been fully resolved and satisfied. Therefore, the parties jointly stipulate that the Complaint should be dismissed with prejudice and move this Honorable Court to dismiss, with prejudice, all claims by the Plaintiff against the Defendant.


The Court being advised of the settlement and compromise of all claims by the Plaintiff against the Defendant does hereby grant said motion and does further **ORDER, ADJUDGE, and DECREE** that the Complaint, the claims by the Plaintiff against the Defendant, any outstanding sanctions, and this civil action are hereby **DISMISSED**, with prejudice, with each party to bear its own attorneys' fees and expenses, and this civil action shall be stricken from the active docket of this Court.


The Clerk is Ordered to forward attested copies of this Agreed Dismissal Order to all counsel of record.

Entered this 20<sup>th</sup> day of July, 2019.


  
Honorable Joanna Tabit

Prepared and agreed by:

  
Andrew L. Ellis - WV Bar No. 10618  
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Counsel for Defendant

STATE OF WEST VIRGINIA  
COUNTY OF KANAWHA, SS  
I, CATHY G. GATSON, CLERK OF CIRCUIT COURT OF SAID COUNTY  
AND IN SAID STATE, DO HEREBY CERTIFY THAT THE FOREGOING  
IS A TRUE COPY FROM THE RECORDS OF SAID COURT.  
GIVEN UNDER MY HAND AND SEAL OF SAID COURT THIS 5  
DAY OF December 2019  
 CLERK  
CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

Agreed to by:

  
Josef A. Porter - WV Bar No. 1790  
Bailey & Wyant, PLLC  
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(304) 345-4222  
Counsel for Plaintiff

Date: 7/23/19  
Certified copies sent to:  
☒ counsel of record  
☐ parties  
☐ other (please indicate)  
By: ☒ certified/1st class mail  
☐ fax  
☐ hand delivery  
☐ interdepartmental  
Other directives accomplished:  
  
Deputy Circuit Clerk